



The Scrivener

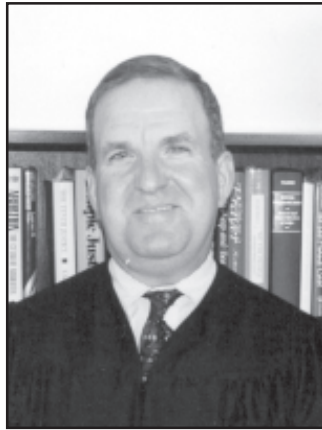
Scribes — The American Society of Legal Writers

Fall 2008

President's Column

by Stuart Shiffman

Saturday, August 9, 2008, was a sunny and beautiful day in New York City as lawyers from across the nation gathered for the annual meeting of the American Bar Association. Scribes was honored that day at its annual luncheon by the presence of Justice Antonin Scalia, the recipient of the Scribes Lifetime-Achievement Award for legal writing.



Stuart Shiffman

A record number of luncheon attendees had the opportunity to meet with Justice Scalia and to discuss issues ranging from legal writing to grandchildren (he has 28) before the formal luncheon and meeting commenced at the Harvard Club.

It was my honor and privilege to call the meeting to order and to introduce not only Justice Scalia but other honored guests. Our annual luncheon marks the recognition of several award winners from two Scribes competitions: our Brief-Writing Award competition and the Book Award. While we also recognize a student-written law-review article each year, that winner is recognized at the annual meeting of The National Conference of Law Reviews. The winner this year was Katherine A. Ritts of Syracuse University College of

Law. Information about her article can be found on our webpage.

We were proud to be joined by the deans of several of our institutional members. Dean Hannah Arterian of Syracuse, Dean Darby Dickerson of Stetson, and Dean Steve Smith of California Western were in attendance. Dean John Attanasio of Southern Methodist School of Law also joined us, in addition to faculty of several other institutional members.

Ken Gartner, chairman of the Brief-Writing Award Committee, described the selection process. Each year the briefs judged to be outstanding in the various moot-court competitions are submitted and judged by a committee chaired by Ken. The winner of the Scribes brief-writing competition is truly the best of the best. This year's winners were Erin Culbertson and Jesse Okiror of George Washington University Law School.

Judge Michael Hyman introduced the winners of the Scribes Book-Award competition. That committee deviated from the traditional recognition of one book to recognize the University Press of Kansas for the *Landmark Law Cases and American Society* series. The books chronicle many of the landmark cases of American jurisprudence. Peter Hoffer and Natalie Hull, the editors of the series and husband and wife, were recognized for their outstanding achievement. Professors Hoffer and Hull also presented Justice Scalia with an inscribed copy of their book *The Supreme Court: An Essential History*, written with their son, William.

The honor of introducing Justice Scalia and presenting him with his lifetime-achievement plaque fell to Scribes board member and former president Bryan Garner. Bryan and Justice Scalia are coauthors of Thomson West's *Making Your Case: The Art of Persuading Judges*. Bryan recounted that the committee created to recognize the winner of the Lifetime-Achievement Award never formally met because Justice Scalia was recognized by acclamation as a great American legal writer in the tradition of Oliver Wendell Holmes, Learned Hand, and Robert Jackson. Bryan also modestly observed that the decision to honor Justice Scalia had been made before their book was released for publication. At the conclusion of the luncheon, Justice Scalia and Bryan signed copies.

In accepting his award, Justice Scalia announced that he intended to join Scribes. He was quick to add that his membership decision had been made because of his commitment to quality legal writing and not because of the Lifetime-Achievement Award. Justice Scalia noted that he occupies the seat previously held by Justice Jackson, and he was honored to be listed with Holmes, Hand, and Jackson. Justice Scalia observed that legal writing really does not exist; instead, it is in that large and undifferentiated category of nonfiction prose. It differs from nonfiction, though, because legal writing often contains the citation of authority within the body of the writing. Justice Scalia said that legal writing, to that extent, is similar to religious writing.

What makes a good writer? For Justice Scalia, the two elements necessary for good writing are time and sweat. The genius of good writing comes from the writer's ability to wear the shoes of the audience. The writer must anticipate what the reader wants and needs to know. Justice Scalia concluded his remarks by observing that, while intelligence is not required for good legal writing, carelessness indicates a careless mind.

Many people helped in making our luncheon a great success. Special thanks to Thomson West for helping to sponsor the luncheon. Thanks to Gary Spivey for providing us with complimentary copies of the *New York Law Reports Style Manual*. Gary and former Scribes president Otto Stockmeyer were recognized at the luncheon as 25-year members of Scribes. Thanks to my wife, Merle, for collecting tickets and checking in guests. In addition, Becky McAlpine of Thomas Cooley Law School worked long and hard on details of the luncheon, as did our executive director, Joe Kimble. Thanks to all for making it a glorious day.

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This issue of *The Scrivener* is generously sponsored by Stetson University College of Law and California Western School of Law.

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Submit Your Articles

Please send items for upcoming issues of *The Scrivener* (electronically or on disk) to the address shown below.

Deadlines

Winter	February 15
Spring	April 15
Summer	July 15

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2008 Scribes Annual Luncheon Meeting



Front row (L to R): Bryan Garner, Justice Antonin Scalia, Joe Kimble, and Natalie Hull. Back row (L to R): Steven Smith, Merle Shiffman, Stuart Shiffman, Roger D. Townsend, Erin Culbertson, Michael Hyman, and Peter Hoffer.



Past President Gary Spivey, Charles Dewey Cole, Dan Dillon, and Kenneth Gartner.



Michael Hyman and Justice Antonin Scalia.



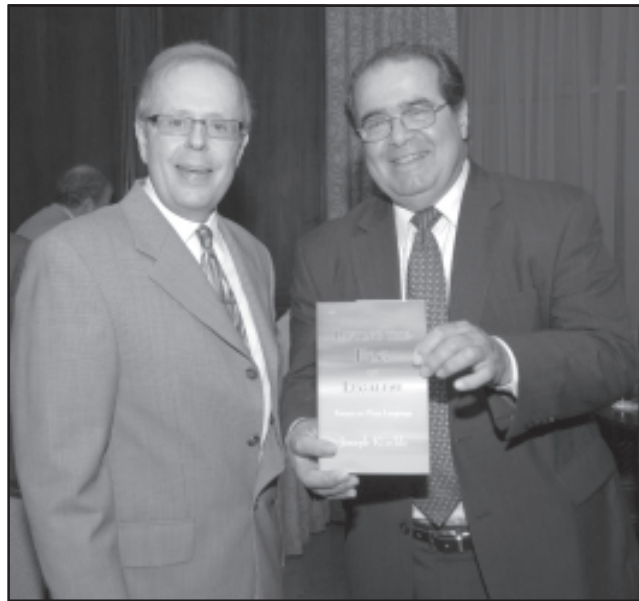
Bryan Garner and Justice Scalia, coauthors of Making Your Case: The Art of Persuading Judges.



Justice Scalia accepting the Scribes Lifetime-Achievement Award from President Stuart Shiffman and Bryan Garner.



Justice Scalia delivering his remarks.



Joe Kimble and Justice Scalia (holding Joe's book Lifting the Fog of Legalese.)



Peter Hoffer (co-winner of the Book Award) presenting his new book, The Supreme Court: An Essential History, to Justice Scalia.



Erin Culbertson, of George Washington University Law School, cowinner of the Scribes Brief-Writing Award.



Dean Darby Dickerson and Nicole Mariani, president of Stetson's Student Bar Association.



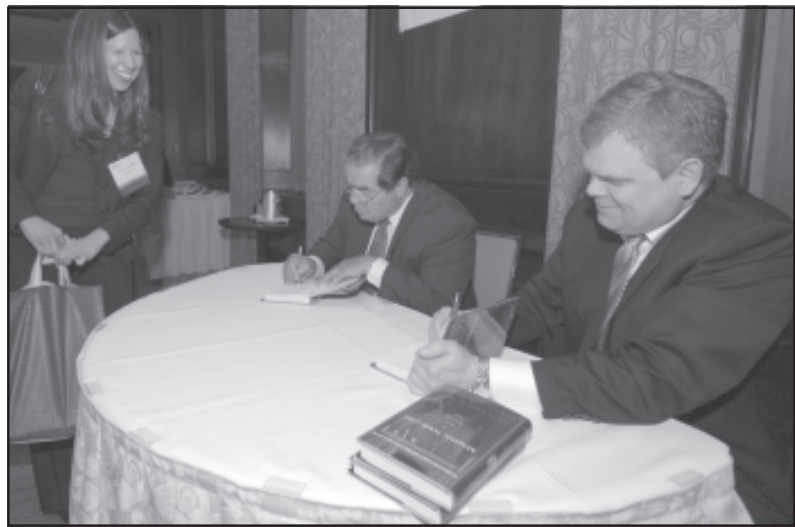
Gretchen DeSutter and John Wierzbicki from Thomson West, and past president of Scribes Otto Stockmeyer.



Michael Hyman (center) with the winners of the Book Award, Natalie Hull and Peter Hoffer.



Scribes president Stuart Shiffman welcoming members and guests.



Bryan Garner and Justice Scalia signing their book, Making Your Case, for Zascha Blanco Abbott.

2008–2009 Committees

Annual Meeting

Charles Dewey Cole (Cochair)
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Stuart Shiffman (Cochair)
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Glen-Peter Ahlers, James C. Parker,
Hon. Lee Rosenthal, Otto Stockmeyer,
and John Wierzbicki

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H.T. Himmel, Steve Sheppard, Stuart
Shiffman, and Richard Wydick

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Stephen Fink, Michael Fried, Christy
Nisbett, Laurel Oates, Hon. Mark
Painter, Hon. Lee Rosenthal, and
Robert M. Shaughnessy

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Glen-Peter Ahlers, Mary Bowman,
Daniel R. Karon, Richard Leiter, and
Robert N. Markle

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Dickerson, and Joe Kimble

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Wierzbicki

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Garner, Joe Kimble, Stuart Shiffman,
and Steve Smith

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Team from George Washington University Law School Wins 2008 Brief-Writing Award

Acceptance Remarks by Erin Culbertson

August 15, 2008

Thank you for this tremendous honor. My partner, Jesse Okiror, and I are truly honored to have our brief selected for the Scribes award. Jesse unfortunately could not attend the luncheon because he is celebrating taking the bar and winning this award on a tropical island somewhere. I'm going to set aside my envy and speak briefly for both of us.

Some background information on our brief: Jesse and I were two of four law students selected to represent George Washington University Law School in the Jessup International Moot Court competition. The Jessup competition presents a dispute between two fictitious countries before the International Court of Justice. This year's problem proved to be creative, yet pertinent, involving such noncontroversial issues as terrorism, transnational abduction, torture (or coercive interrogation, depending on the country you were representing), and due process. Writing this brief forced us to become more objective while taking a step back from daily headlines. To become better advocates, we overcame our bias toward one side of the argument, an important skill that we hope to improve upon as we embark upon our legal careers.

As I am sure all the members of Scribes know, the most difficult part of writing is actually starting to write. We spent months researching the topics, struggling to understand the complexities of the Geneva Conventions, and looking for relevant examples of international custom



Erin Culbertson, co-winner of the Brief-Writing Award, accepting the award from committee chair Kenneth Gartner.

and law. By December, we realized that somehow the piles of photocopies and stacks of books had to be transformed into a concise brief. Outlining our arguments and continually refining those outlines was helpful, but our first drafts were simply disastrous. Initially, it was difficult to adjust to the collaborative process because this is not a skill emphasized in law school. We had to contend with differing ideas about what was the most compelling argument and with meeting the expectations of our teammates and our coach. Ultimately, collaboration was extremely beneficial because the four of us were able to provide

feedback, hone our arguments, and make each other better lawyers.

Our other two teammates, Heather Bloom and Aaron Wredberg, were selected for the third-place Scribes Brief-Writing Award. We all extend a big thank-you to our coach, Susan Karamanian, whose assistance in researching, writing, and preparing for oral arguments was invaluable. She encouraged us to write only as much as we needed to—nothing more. A succinct and pithy brief would give us a foundation to build on and allow us to focus on our strongest arguments. Perhaps her best advice was to read Bryan Garner's book *The Winning Brief*. Despite my initial doubts about this auspicious title, as our first draft gave way to our fifth, sixth, even seventh draft, I now admit that his tips work!

Thank you again for this honor.

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